

July 1, 2003

July First

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The regular July Meeting of Danville City Council was held on the above date at 7:00 p.m. in the Council Chambers located on the Fourth floor of the Municipal Building. The following Council Members were present: Ruby B. Archie, E. Stokes Daniels, Jr., Mayor John C. Hamlin, T. David Luther, Albert K. "Buddy" Rawley, Jr., Sherman M. Saunders, H. Phillip Smith, and Vice-Mayor R. Wayne Williams, Jr. (8). Council Member P. A. "Pete" Castiglione, Jr. was absent (1).

Staff members present were City Manager Jerry L. Gwaltney, Deputy City Manager M. Lyle Lacy, III, Finance Director Aubrey D. Dodson, City Attorney Timothy R. Spencer, Legislative and Public Affairs Director Todd M. Yeatts, and Clerk of the Council Annette Y. Crane, CMC.

Other Staff members present were Housing and Development Director Angela Boyte, Water and Wastewater Director Barry Dunkley, Human Services Director Gwendolyn Edwards, Community Development Director Jerry Fischer, Planning Director Kenny Gillie, Assistant City Manager for Utilities Joe King, and Human Resources Director Andrea Witt.

Mayor Hamlin presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Daniels offered the invocation. The Pledge of Allegiance to the Flag followed.

BUDGET ADOPTION - FY 2001-02, 2002-03, 2003,04 - COMMUNITY DEVELOPMENT

Mayor Hamlin announced that the following Budget Amendments had been previously discussed by City Council, introduced for First Reading and would be further considered by Council in Public Hearing. Following the Public Hearing, there would be no separate discussion on the items and will be enacted by one motion. If a Council Member or a citizen desires to discuss any item, it would be removed from the Consent Process and considered separately.

Mayor Hamlin opened the floor for a Public Hearing to consider amendments to the FY 2001-02, 2002-03, and 2003-04 Budget Appropriation Ordinance. Notice of the Public Hearing had been duly published in the Danville Register and Bee on June 24, 2003. No one present desired to be heard and the Public Hearing was closed.

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BUDGET ADOPTION - 2001-02, 2002-03, 2003-04 - COMMUNITY DEVELOPMENT

Upon Motion by Vice-Mayor Williams and second by Council Member Archie, Ordinance No. 2003-06.13 presented by its First Reading on June 17, 2003 relating to a Budget Appropriations/Amendment Ordinance for Fiscal Year 2003-04 and to amend Fiscal Years 2002-03 and 2001-02 for projects to be or being undertaken to improve the Danville Community financed with Community Development Block Grant, Home Investment Partnership funds from the U. S. Department of Housing and Urban Development and Program Income Funds generated by prior year expenditure of Community Development Block Grant and Home Investment Partnership funds was adopted by the following vote:

VOTE: 8-0
NAY: None (0).
ABSENT: Castiglione (1).

BUDGET ADOPTION - FY 2002-03 - INDUSTRIAL PARK ACCESS FUNDS

Upon Motion by Vice-Mayor Williams and second by Council Member Archie, Ordinance No. 2003-06.11 presented by its First Reading on June 17, 2003 amending the Fiscal Year 2002-2003 Budget Appropriation Ordinance to repay the Commonwealth of Virginia for Industrial Park Access Funds was adopted by the following vote:

VOTE: 8-0
NAY: None (0).
ABSENT: Castiglione (1).

BUDGET ADOPTION-FY 2003-04 - RECREATION ENRICHMENT PROGRAM

Upon Motion by Vice-Mayor Williams and second by Council Member Archie, Ordinance No. 2003-06.15 presented by its First Reading on June 17, 2003 amending the Fiscal Year 2003-2004 Budget Appropriation Ordinance to provide for funds in the amount of \$51,775 for a Recreation Enrichment Program and the Expanded Summer Program and the Local In-Kind share of \$62,336 for a total of \$114,111 and appropriation of same was adopted by the following vote:

VOTE: 8-0
NAY: None (0).
ABSENT: Castiglione (1).

BUDGET AMENDMENT-FY 2003-04-COMPREHENSIVE SERVICES ACT

Upon Motion by Council Member Archie and second by Vice-Mayor Williams, an Ordinance entitled:

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ORDINANCE NO. 2003-07.01

AN ORDINANCE AMENDING THE 2003-2004 BUDGET APPROPRIATION ORDINANCE BY APPROPRIATING COMPREHENSIVE SERVICES ACT FUNDS AND PROVIDING LOCAL MATCHING FUNDS FOR A TOTAL AMOUNT OF \$2,240,648

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

BUDGET AMENDMENT-FY 2003-04 – W. W. MOORE, JR. OUTREACH

Upon Motion by Council Member Smith and second by Council Member Saunders, an Ordinance entitled:

ORDINANCE NO. 2003-07.02

AN ORDINANCE AMENDING THE FISCAL YEAR 2003-2004 BUDGET APPROPRIATION ORDINANCE FOR A GRANT AND PER DIEM CHARGES TO PROVIDE FOR THE OUTREACH DETENTION PROGRAM AT W. W. MOORE, JR. DETENTION HOME AND APPROPRIATING SAME IN THE AMOUNT OF \$223,929

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

BUDGET AMENDMENT - FY 2002-03 - ELECTRONIC MONITORING PROGRAM

Upon Motion by Vice-Mayor Williams and second by Council Member Archie, an Ordinance entitled:

ORDINANCE NO. 2003-07.03

AN ORDINANCE AMENDING THE FISCAL YEAR 2003-2004 BUDGET APPROPRIATION ORDINANCE BY ANTICIPATING REVENUES IN THE AMOUNT OF \$60,033 FROM THE OPERATION OF AN ELECTRONIC MONITORING PROGRAM FOR PITTSYLVANIA COUNTY AND APPROPRIATING SAME

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

BROWNFIELD ECONOMIC DEVELOPMENT INITIATIVE & SECTION 108

Council Member Daniels moved the adoption of a Resolution entitled:

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RESOLUTION NO. 2003-07.01

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR FUNDING UNDER THE AGENCY'S BROWNFIELD'S ECONOMIC DEVELOPMENT INITIATIVE (BEDI) AND THE SECTION 108 LOAN GUARANTEE PROGRAM TO ASSIST WITH THE INITIAL DEVELOPMENT OF THE LONG MILL PROJECT.

The Motion was seconded by Council Member Saunders and adopted by the following vote:

VOTE: 8-0
NAY: None (0).
ABSENT: Castiglione (1).

COMMIT \$60,000 TO LONG MILL PROJECT DEVELOPMENT

Council Member Luther moved the adoption of a Resolution entitled:

RESOLUTION NO. 2003-07.02

A RESOLUTION COMMITTING \$60,000 OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS TOWARD THE REDEVELOPMENT OF THE FLOUR MILL BUILDING AT THE LONG MILL PROJECT.

The Motion was seconded by Council Member Daniels and adopted by the following vote:

VOTE: 8-0
NAY: None (0).
ABSENT: Castiglione (1).

THREE-BAY CAR WASH AT SOUTHWYCK PLAZA SHOPPING CENTER

Council Member Daniels moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2003-07.04

AN ORDINANCE AMENDING CONDITION NO. (2) (a) OF THE PROFFER OF CONDITIONS FORMERLY ACCEPTED BY THE COUNCIL WHICH LIMITS CAR WASHES TO A SINGLE BAY ATTENDED FACILITY TO ALLOW FOR A THREE (3) UNIT MULTI-BAY AUTOMATIC CAR WASH FACILITY.

Council Member Rawley seconded the Motion.

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In response to Council Member Smith, applicant Shane Bracken, advised there would be no attendant at the car wash. Mr. Bracken then requested that the hours of operation for the car wash be changed from 8 a.m. to 8 p.m. to 7 a. m. to 11 p.m., Southwyck Plaza Shopping Center's hours of operation.

Council Member Luther moved to amend the Motion to indicate Council's acceptance of Mr. Bracken's proffer that the hours of operation for the carwash be from 7 a.m. to 11 p.m. Council Member Archie seconded the Motion.

Vice-Mayor Williams expressed concern about the hours of operation. He said that if Council approved the change, the car wash would be operating from 7 a.m. to 11 p.m., 7 days per week. Dr. Williams felt 7 a.m. was too early and that 11 p.m. during winter hours might disturb nearby residents, since darkness falls around 6 p.m.

Mr. Bracken said the 7 a.m. hour would allow Goodyear employees to use the facility if they chose to do so.

In response to Council Member Daniels, Planning Director Kenny Gillie said the hours of 8 a.m. to 8 p.m. were recommended by the Planning Commission in order to be consistent with recommendations that were approved for other car washes in Danville. They felt those hours would offer protection for nearby neighborhoods. When the 8 a.m. to 8 p.m. hours were recommended for Mr. Bracken's facility, the Commission was unaware of the shopping center's hours of operation.

The Motion **failed** by the following vote:

VOTE: 4-4
AYE: Archie, Daniels, Luther, and Rawley (4).
NAY: Hamlin, Saunders, Smith, and Williams (4).
ABSENT: Castiglione (1).

Mr. Bracken proffered the hours of operation at 7 a.m. to 10 p.m.

Vice-Mayor Williams moved to amend the hours of operation for the car wash facility at Southwyck Plaza to be from 7 a.m. to 10 p.m. The Motion was seconded by Council Member Saunders and adopted by the following vote:

VOTE: 8-0
NAY: None (0).
ABSENT: Castiglione (1).

Council Members Daniels and Rawley, who made the original Motion and second, voiced no objection and the Ordinance, as amended, was adopted by the following vote:

VOTE: 8-0

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NAY: None (0).
ABSENT: Castiglione (1).

HEARING – REZONE PROPERTY AT FALWELL COURT & PINEY FOREST

Mayor Hamlin opened the floor for a Public Hearing to consider a request to rezone property located at the Northeastern intersection of Falwell Court and Piney Forest Road. Notice of the Public Hearing had been duly published in the Danville Register and Bee on June 17 and 24, 2003. No one present desired to be heard and the Public Hearing was closed.

Council Member Archie moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2003-07.05

AN ORDINANCE REZONING FROM O/I OFFICE AND INSTITUTIONAL DISTRICT TO C-1 RETAIL AND OFFICE DISTRICT, A VACANT PARCEL LOCATED AT THE NORTHEASTERN INTERSECTION OF FALWELL COURT AND PINEY FOREST ROAD.

The Motion was seconded by Council Member Saunders and adopted by the following vote:

VOTE: 8-0
NAY: None (0).
ABSENT: Castiglione (1).

HEARING-LIBERTY VIEW HOPE VI PROJECT -LOCAL REDEVELOPMENT

Mayor Hamlin opened the floor for a Public Hearing to consider a request to designate the Liberty View Hope VI Project area as a local redevelopment area pursuant to Section 36-51 of the Code of Virginia. Notice of the Public Hearing had been duly published in the Danville Register and Bee on June 17 and 24, 2003.

Chief Executive Officer of the Danville Redevelopment and Housing Authority Daryl Dalton reviewed with Council the following questions and answers that provided reasoning for the Danville Redevelopment and Housing Authority's (DRHA) seeking legal condemnation authority for the Seeland Crossing HOPE VI Project:

1. Why does the DRHA need to obtain certain properties, especially owner-occupied homes?

Answer: Certain dwellings, as evidenced by appraisal values of \$15,000 or less, through their appearance, condition and other social factors detract from the current neighborhood, as well as from the proposed redevelopment vision. They may also present a health and safety hazard to their owners and current and future neighbors. In

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developing the Seeland Crossing project, the DRHA believes it is in the public good to obtain and redevelop such property.

2. Why is condemnation power necessary?

Answer: The DRHA needs to acquire enough property to develop 215 new dwelling units to complete its Seeland Crossing HOPE VI Project. The former Liberty View footprint only provides enough property to build 75 units. Without the power to legally condemn property, the ability to obtain enough property could be seriously hampered if owners who wish to sell can't deliver clear title or other owners expect unrealistic prices. The DRHA has already found that half of the owners of the 28 properties it currently has under contract cannot deliver clear title. Other owners have rejected offers above appraised value.

3. How will condemnation authority be exercised?

Answer: The DRHA Board of Commissioners will use the authority only as a last resort measure to obtain property essential for the project. Before condemning a property, the DRHA must attempt to buy the property through a negotiated sale. The DRHA will provide a property owner a hearing prior to condemnation.

4. What properties are affected?

Answer: Only properties that have been identified in advance on the attached proposed acquisition list will be subject to potential condemnation. Properties not on the list will not be affected. The current proposed list includes:

- 115 properties
- 81 vacant lots – 26 currently under contract
- 23 vacant or rental houses – 2 currently under contract
- 11 owner-occupied homes.

5. Has the DRHA communicated with affected property owners?

Answer: Yes. Over the past several months the DRHA has worked hard to ensure that all property owners affected by this district designation request are aware of DRHA acquisition plans and how this designation might affect their property. This communication effort has included several mailings of written information and the DRHA staff has met with owners in one-on-one sessions, as well as in committee and large group meetings, attended by 20-30 owners. It is estimated that by the time a property might be condemned, a property owner will have had at least 18 communication opportunities with DRHA and city officials.

6. How will renters and owners be treated?

Answer: The DRHA will help owners and renters find suitable housing and pay for all moving and relocation costs, such as packing and moving and all required deposit and transfer fees. In addition to receiving just compensation for their property, homeowners will also be paid the difference between the cost of their current home and the cost of a comparable replacement home. Initial estimates indicate that homeowners should find themselves in better housing conditions.

In response to Council Member Rawley, Mr. Dalton replied that the Department of Housing and Urban Development (HUD) requires that there be two independent appraisals on the properties. The second appraiser evaluates the first appraisal to insure that everything is in order regarding the appraisal. Mr. Dalton stated that currently there

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are 28 properties under contract. Of the 28 contracts, 14 have title problems. In order to procure the properties, the DRHA will need eminent domain power.

In response to Council Member Saunders, Mr. Dalton said that between 1998 and 2000, there were 23 formal public meetings with the property owners. Since October 2002, there have been 8 meetings. There have been many group meetings, as well as meetings with individual property owners. Housing Authority officials have been unable to meet with property owners who reside out of town. These owners have been contacted either by mail or by telephone calls.

Council Member Archie asked if any Danvillians had been hired to work on the project. Mr. Dalton said that Cornerstone Construction had gone into GED classrooms in the City and hired individuals on the spot. Mrs. Archie expressed satisfaction that area residents had been hired. This had been a concern for Mrs. Archie since the HOPE VI project began.

In response to Mrs. Archie, Mr. Dalton said that land the DRHA does not acquire would remain with the owner. These are homes that will help the HOPE VI community and they will remain there. He said condemned properties that are uninhabitable would be torn down.

Vice-Mayor Williams inquired as to how a decision is made to relocate residents. Mr. Dalton replied that according to the Uniform Relocation Act, an appraisal is done so that the owners may know the value of their property. Officials then go and look for housing of like value that is available for sale at that time. It is required that three comparable properties are located. The participants are taken to see what officials think is the best fit among the three properties. The individuals are entitled to the dollar amount for the value of their home and the comparable price of the new home. They are also entitled to relocation benefits, which includes moving costs, packing costs, and transfer of telephone and utilities. A check in the amount of \$50.00 is given to the individuals because they are relocating. The relocated homeowners will be given the opportunity to purchase a home at Seeland Crossing when the project is completed.

The following residents of the area spoke in opposition to eminent domain proceedings: Virginia Motley, a Liberty Hill resident, Wyatt Watkins, Brenda Cardwell, 231 Grant Street, William Walters, 240 Garfield Street, Massie Barnes, a resident on St. Paul Circle, Shirley Hicks, a property owner on Darby Road, Cathy Hunt, a property owner in the area, and Arthur Womack, a resident of Grant Street Extension.

Ms. Motley, as spokesperson for the Liberty Hill community, went on record by saying the residents are not opposed to the HOPE VI project efforts, but as citizens, are opposed to being forced into eminent domain proceedings that allows the DRHA to take property that legally belongs to those citizens. She felt the residents of Liberty Hill should make the decisions about selling their homes. Some of the homeowners at Liberty Hill were elderly, had lived in the area for many years and were reluctant to be relocated. Ms. Motley said HUD officials had informed her that Danville would be the first HOPE VI

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project to use eminent domain efforts for obtaining property. She urged City Council to reconsider the proposal before them and find other means of acquiring property for HOPE VI.

Wyatt Watkins, as a concerned citizen, spoke in opposition to eminent domain proceedings. Also opposed were Brenda Cardwell, William Walters and Massie Barnes, Shirley Hicks, and Cathy Hunt. The group reiterated they were not opposed to HOPE VI.

Arthur Womack advised that when he was relocated to Grant Street Extension, he was shown three homes that were in high crime areas. He said that a home was eventually found for him, but he was not allowed to choose which home.

There were approximately 20 citizens present in opposition to the matter before Council. Of those citizens, approximately 14 were Liberty Hills residents.

No one further desired to be heard and the Public Hearing was closed.

Council Member Saunders said that with such opposition, the City and DRHA needed to listen to the people and address their concerns.

Council Member Saunders moved that a joint meeting between City Council, City Staff members and Housing Authority officials be scheduled. Council Member Archie seconded the Motion that **failed** by the following vote:

VOTE: 2-6
AYE: Archie, and Saunders (2).
NAY: Daniels, Hamlin, Luther, Rawley, Smith, and Williams (6).
ABSENT: Castiglione (1).

Council Member Smith asked about the timetable for construction of homes for HOPE VI. Mr. Dalton said groundbreaking for the first 42 homes was scheduled to take place within the next sixty (60) days.

Council Member Daniels said an atmosphere of mistrust has been created between the citizens and DRHA and it needed to be resolved.

In response to City Manager Gwaltney, Mr. Dalton said there were fourteen (14) homes that had title problems.

Mr. Gwaltney asked that he be given the opportunity to meet with Mr. Dalton and HUD officials in order to get these problems resolved.

Mayor Hamlin and Council Member Rawley felt the City needed to get the problems addressed in a timely manner so the project could proceed. Mayor Hamlin requested that a Work Session be held with everyone involved following the meeting with HUD officials. City Council Members and DRHA staff agreed.

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Council Member Smith moved to **table indefinitely** an Ordinance designating the Liberty View Hope VI Project area as a Local Redevelopment Area pursuant to Section 36-51 of the Code of Virginia.

The Motion was seconded by Council Member Archie and adopted by the following vote:

VOTE: 5-3
AYE: Archie, Daniels, Hamlin, Smith, and Williams (5).
NAY: Luther, Rawley, and Saunders (3).
ABSENT: Castiglione (1).

MASTER SEWER AGREEMENT - PCSA AND HALIFAX COUNTY AUTHORITY

Council Member Daniels moved the adoption of a Resolution entitled:

RESOLUTION NO. 2003-07.03

A RESOLUTION AUTHORIZING AND APPROVING TWO AMENDMENTS TO THE 1972 MASTER SEWER AGREEMENT WITH THE PITTSYLVANIA COUNTY SERVICE AUTHORITY AND A SEWER AGREEMENT WITH THE HALIFAX COUNTY SERVICE AUTHORITY FOR PROJECTS LOCATED ALONG THE STATE HIGHWAY 58 CORRIDOR AND TO SERVICE THE VIRGINIA INTERNATIONAL RACEWAY.

The Motion was seconded by Council Member Rawley and adopted by the following vote:

VOTE: 8-0
NAY: None (0).
ABSENT: Castiglione (1).

Mayor Hamlin called for Action on the Consent Agenda.

CONSENT AGENDA

Mayor Hamlin announced that the Consent Agenda items had been previously considered by Council and/or considered routine and would be enacted by one motion. There would be no separate discussion on the items. If a Council Member or citizen desires discussion, the item would be removed from the Consent Agenda and considered separately.

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Council Member Archie requested that Item A (Minutes) on the Consent Agenda be removed from the Consent process and considered separately.

BUDGET AMENDMENT – FY 2003-04 – CHILD DAY CARE INITIATIVE

Upon Motion by Council Member Archie and second by Vice-Mayor Williams, an Ordinance entitled:

ORDINANCE NO. 2003-07.06

AN ORDINANCE AMENDING THE 2003-2004 BUDGET APPROPRIATION ORDINANCE DUE TO ANTICIPATING FUNDS FROM THE VIRGINIA DEPARTMENT OF SOCIAL SERVICES IN THE AMOUNT OF \$25,000 FOR A CHILD DAY CARE QUALITY INITIATIVE PROGRAM

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

Mayor Hamlin announced the end of the Consent Agenda.

MINUTES

Mrs. Archie requested that Rev. Kim Manning (in her comments on Roll Call) be corrected to read “Rev. Tedd Manning.” She advised that Dorleathia Torain had received her graduation diploma rather than a GED certificate as stated in the Regular Council Meeting Minutes. The Clerk noted the corrections.

Upon Motion by Council Member Archie and second by Vice-Mayor Williams, Minutes of the Regular Council Meeting held on June 17, 2003 and Minutes of the Council Work Session held on June 17, 2003 were approved as amended. Draft copies had been distributed to Council Members prior to the Meeting.

COMMUNICATIONS

City Manager Gwaltney reported that he had met with Adjutant General Carl Williams at Camp Pickett last Tuesday regarding the use of the Squire Armory for the polling place for the 12th Precinct. Council Member Archie had made such a request at the June 17, 2003 Council Work Session. Mr. Gwaltney advised he spoke with Mr. Williams this morning and he understood that a letter from the Adjutant General is forthcoming allowing the polling place to remain at Squire Armory.

ROLL CALL

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Council Member Archie read a letter from Governor Mark Warner that had been sent to Principal Joel DeBoe congratulating George Washington High School (GWHS) on winning the Wachovia Cup for the third time in four years. The Wachovia Cup is awarded for academic excellence in all areas. Governor Warner cited *The Chatterbox*, *the Cavalier*, and *Euanter*, which are GWHS publications, for continuing to set the standard for other publications in the Commonwealth. He also praised the exceptional creative writing program at the high school. Mrs. Archie offered her congratulations to the principal and students.

Mrs. Archie reported that she attended a Virginia Municipal League (VML) Policy Committee meeting last Tuesday. She said the committee would meet again on July 17 and she would provide information to Council Members following that meeting.

Mayor Hamlin invited Council Members to a celebration of returning troops at the Squire Armory, Wednesday, July 2, 2003 at 1 p.m. He encouraged them to attend if their schedule would permit.

Council Member Luther felt Council did the people of Liberty Hill a disservice by not voting on the issue tonight. He said it was known when the HOPE VI project got underway that residents would be relocated from their homes. He said he had received phone calls and realized there was a lot of distrust among the residents who felt their concerns were not being addressed. He reiterated that everyone knew this would happen at some point during the development of the project. He said City Council had the power of eminent domain and would not necessarily have to depend on DRHA to exercise that right. He felt the project was not being well served by delaying Council action.

Council Member Rawley said he had received a letter from VML advising that he had been appointed to the VML General Laws Policy Committee. Mr. Rawley expressed pride at receiving the honor.

Council Member Smith and Vice-Mayor Williams welcomed home the National Guard Troops.

The Meeting adjourned at 9:47 P.M.

MAYOR

CLERK

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